respectfully requested.

Claims 1 -9 and 13- 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,086,605 to Barbut et al. (the "Barbut patent"). The Examiner has acknowledged in the Office Action that the Barbut patent fails to show certain features of Applicant's invention. The Examiner states as follows:

> "Furthermore the references fail to show certain features of Applicant's invention, it is noted that the features upon which Applicant relies (i.e., invention eliminating the need for umbrellas frames or inflation balloons to deploy and maintain the filtering portion in the blood vessel.) are not recited in the rejected claim(s)." (Page 4, lines 9-13.)

However, the pending claims contain the recitation that the directional member is expandable by the fluid flow in the body vessel and that the filtering member is expandable through the expansion of the directional member. In the Barbut patent, the composite sealing skirt 930 does not rely upon fluid flow or pressure in the body vessel to open and close the filtering portion of the Barbut device. Specific reference is given to the disclosure of the Barbut patent, namely, column 25, lines 59-63 which read as follows:

> "In this embodiment, the structure adapted to open and close the

filter may be an umbrella frame (not shown), such as depicted in FIG. 1, or alternatively an inflation balloon (not shown) such as shown in FIG. 7 and FIG. 9."

Therefore, in the Barbut patent, the filter 906, which includes the sealing skirt 930, requires the presence of a separate mechanism, such as an umbrella frame or inflation balloon, to open and close the filtering portion of the device. However, the directional member, as recited in the claims at issue, is expanded by the fluid flow in the body vessel. This expansion of the directional member by fluid flow, which in turn causes the expansion of the filter member, is simply not disclosed in the Barbut patent. Applicant's invention acts somewhat like a parachute when deployed and eliminates the need for additional mechanisms, such as umbrella frames or inflation balloons, to deploy and maintain the filtering portion in the body vessel. Accordingly, Applicant respectfully requests that the Barbut patent be withdrawn as an anticipatory reference.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

Attached hereto is a marked up version of the changes made to the

specification and claims by the current Amendment. The attached page is captioned "Version With Markings To Show Changes Made."

Respectfully submitted,
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THM:mem

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"VERSION WITH MARKINGS TO SHOW CHANGES MADE"

1. (Amended) A filtering device for passing a fluid in a body vessel defined by a wall and for blocking the passage through the vessel of emboli, comprising:

a filtering portion constructed to be disposed in the vessel including a directional member made from a pliable material having properties of blocking the passage of the fluid and the emboli and being expandable by the fluid flow in the vessel to maintain its outer periphery against the vessel wall in order to provide a seal against the passage of the fluid and the emboli through the pliable material, and

a filtering member attached to and disposed interiorly of the directional member and made from a material providing for the passage of the fluid and for the blocking of the emboli, the filtering member being expandable by the expansion of the directional member.

6. (Amended) The filtering device of claim 5, wherein:

the filtering portion is disposed at an acute angle relative to the vessel wall when deployed [and the filtering member is made from a material selected from a group consisting of a blood filter material and a braided/woven biocompatible material].

13. (Amended) A filtering device for passing a fluid in a body vessel defined by a wall and for blocking the passage of particles through the body vessel, comprising:

a filtering portion including a directional member made from a pliable material having properties of blocking the passage of the fluid and the emboli and being expandable by the fluid flow in the vessel to maintain its outer periphery against the vessel wall to provide a seal against the passage of the fluid and the emboli through the pliable material, and

a filtering member attached to the directional member and made from a material which allows body fluid to pass through while blocking particles of a particular size, the directional member directing body fluid into the filtering member, the filtering member being expandable by the expansion of the directional member.